6648511/2022/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Bapatla District - Sri Kolla Raghavaiah S/o Sri Bapaiah, former Tahsildar, Bapatla, erstwhile Guntur District - Violation of APCS (Conduct) Rules, 1964 - Departmental proceedings under rule 20 of A.P.C.S. (CC & A) Rules, 1991 r/w Rule 9 of A.P.R.P.Rules, 1980 - Articles of charges - Issued.

****

REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.939 Dated:07.11.2022.
Read the following:-

G.O.Ms.No.698, Revenue (Vig.III) Department, Dt:07.11.2022.

--***--

ORDER:

In pursuance of the sanction accorded in the reference read above, it is proposed to hold an enquiry Sri Kolla Raghavaiah, former Tahsildar, Bapatla, erstwhile Guntur District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure–I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure - III & IV).

3. Sri Kolla Raghavaiah, Tahsildar (Retd) is directed to submit, within 10 days of the receipt of this order, a written statement of his defense.

4. Sri Kolla Raghavaiah, Tahsildar (Retd) is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

5. Sri Kolla Raghavaiah, Tahsildar (Retd) is further informed that if he does not submit his written statement of defense on or before the date specified in Para–3 above, further action will be processed based on the material available.

6. Attention of Sri Kolla Raghavaiah, former Tahsildar, Bapatla, erstwhile Guntur District is invited to Rule 24 of A.P.C.S (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri Kolla Raghavaiah, Tahsildar (Retd) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To:
Sri Kolla Raghavaiah, former Tahsildar, Bapatla, erstwhile Guntur District through the Collector & District Magistrate, Bapatla.

Copy to:
The Collector & District Magistrate, Guntur.
The Chief Commissioner of Land Administration, A.P, Mangalagiri.
The Director General, ACB, Vijayawada.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE -I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI KOLLA RAGHAVAIAH, FORMERLY TAHSILDAR, BAPATLA MANDAL, GUNTUR (RETD)

---***---

Charge-1:

"That the Government Servant (Retd.) in abuse of his official position had demanded and accepted Rs.1,00,000/- as bribe amount from Sri Alaparthi Koteswara Rao, R/o. 98-4-369/S, 605, Seetharamaiah Towers, New Sastry Nagar, Erragadda, Hyderabad (Complainant) on 03.05.2019 for processing and to recommend for the sanction of compensation of Rs. 59,58,140/- to the Complainant towards the acquisition of his land for the formation of NH-216."

Charge-2:

"That the Government Servant failed to render full and true account for the cash of Rs.30,000/- found in his pant pocket at the time of Trap on 03.05.2019."

Thus Sri Kolla Raghavaiah, formerly Tahsildar, Bapatla Mandal, Guntur District by his above mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Govt. Servant and brought down the prestige of the Government and there by violated/ contravened Rule 3 (1), (2) and 9(8-A) of APCS (conduct) Rules, 1964 r/w Rule 9 of A.P. Revised Pension Rules, 1980.

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE –II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI KOLLA RAGHAVAIAH, FORMERLY TAHSILDAR, BAPATLA MANDAL, GUNTUR

Sri Kolla Raghavaiah S/o. Bapaiah, aged about 61 years is a native of Voollapalem (V), Singarayakonda Mandal, Prakasam District. His date of birth is 01-07-1961. He entered into Government service on 07.02-1995 as Typist and later promoted as Tahsildar. He worked as Tahsildar, Bapatla Mandal, Guntur District from 16-02-2019 to till date of trap i.e., on 03-05-2019. He is drawing Basic Pay of Rs.47,330/-. He was retired from service on 30-06-2021 on attaining the age of superannuation. He is hereinafter referred to as Government Servant (G.S.) (Retd.).

Charge-1:

"That the Government Servant (Retd.) in abuse of his official position had demanded and accepted Rs.1,00,000/- as bribe amount from Sri Alaparthi Koteswara Rao, R/o. 98-4-369/S, 605, Seetharamaiah Towers, New Sastry Nagar, Erragadda, Hyderabad (Complainant) on 03.05.2019 for processing and to recommend for the sanction of compensation of Rs. 59,58,140/- to the Complainant towards the acquisition of his land for the formation of NH-216."

Facts and Evidence:

On 02-05-2019 the complainant Sri Alaparthi Koteswara Rao, R/o. 98-4-369/S, 605, Seetharamaiah Towers, New Sastry Nagar, Erragadda, Hyderabad came to ACB office, Guntur and presented a complaint stating that the Tahsildar, Bapatla Mandal, Guntur district demanded a bribe amount of Rs. 1,00,000/- from the complainant for processing and to recommend for the sanction of compensation of Rs. 59,58,140/- to the Complainant towards the acquisition of his land for the formation of NH-216.

After observing all legal formalities, the DSP, ACB, Guntur registered the complaint of the complainant as a case in Cr. No. 04/RCT-ACB-GNT/2019 U/s 7(a) of the Prevention Of Corruption (Amendment) Act, 2018 (Act 16 of 2018) on 03-05-2019 at 07.30 AM and took up investigation.

On 03-05-2019 at about 1.45 PM, the Government Servant was successfully trapped when he further demanded and accepted the bribe amount of Rs. 1,00,000/- from the complainant in his office chambers for showing the above said official favour.

The chemical tests conducted on both hand fingers of the Government Servant yielded positive result. The DSP when asked the Govt. Servant about the bribe amount, the Govt. Servant produced two wads of currency notes from his right side pant pocket. When compared, the serial numbers of one wad of the tainted currency notes found tallied with the serial numbers of the currency notes produced during pre-trap proceedings. The second wad of currency notes when counted, the amount was Rs. 30,000/-. When the Dy.S.P, ACB, questioned the Government Servant about the said amount of Rs. 30,000/-, the Government Servant kept mum without giving any explanation. Hence, the Dy.S.P., ACB, seized the said amount of Rs. 30,000/- for the purpose of investigation. The chemical test conducted on the inner linings of the right pant pocket of the Govt. Servant also yielded positive result.

When the DSP questioned the Govt. Servant about the possession of the tainted bribe amount of Rs.1,00,000/- and the additional unaccounted amount of Rs. 30,000/-, the Govt. Servant stated that he has been working as Tahsildar, Bapatla since 16-02-2019. On 29.03.2019 he received a claim form from the Complainant for the compensation relating to his land which was acquired for the purpose of NH-216 from Kathipudi to Ongole. As already the claim amounts for land losers were sanctioned through award, he gave the claim form to the concerned VRO, Sambaiah for verification. Accordingly said VRO completed verification, secured relevant

documents from the applicant, and submitted the claim form with related documents to him on 04.04.2019. As he was busy with General Elections duty, he could not send his report to Joint Collector-II, Guntur for release of compensation. In the meantime, the Complainant and his friend met him 2-3 times and requested to complete his work. On 03.05.2019 as usual he came to the office and attended to his office work. Frequently he used to sit in the seat of Dy. Tahsildar situated in the staff room. At about 13.00 hrs, he came to the staff room from his chamber and sat in the Dy. Tahsildar seat, in the meantime, at about 1.30 hrs the Complainant along with his friend came to him and requested for their work. He assured them that he will complete the work at the earliest. On that, the Complainant voluntarily gave some currency notes with Rs.2000/- denomination without his demand and went away. In the meantime ACB officials surrounded and caught hold of him.

Later the DSP called the Complainant, who was waiting outside the Tahsildar office and asked him to narrate what had happened after he left the trap party. The Complainant stated before the mediators that, after he left the trap party, he along with the Co-Complainant went to the Tahsildar office, Bapatla, and found the Govt. Servant sitting in Dy. Tahsildar seat in the staff room. Then they both wished and asked about his work. On that, the Govt. Servant took them to his office chamber and asked him whether he had brought the demanded bribe amount or not?. On his affirmative answer, the Govt. Servant asked him to pay the demanded bribe amount. Then only, he gave the tainted bribe amount of Rs. 1,00,000/- to the Govt. Servant. The Govt. Servant received the said bribe amount with his left hand, exchanged it to his right hand and kept the same in his pant's right side pocket, and assured him that he will send his report to the Joint Collector-2 that day itself. Then they both came out and he gave pre-arranged signal i.e. by wiping his face with his kerchief to the Inspector. At that time, the Govt. Servant also returned to the staff room and again sat in Dy. Tahsildar seat. Within a few minutes, the DSP, ACB, Guntur, and his staff along with mediators came there. At that time, the DSP asked him to show who is the Govt. Servant. Then he showed the Govt. Servant. Then the DSP, ACB, Guntur ascertained the identity of the Govt. Servant and instructed him to wait outside of Tahsildar's office until he was called in.

When the Govt. Servant was confronted with the statement of the Complainant, the Govt. Servant kept mum and did not come up with any explanation.

The compensation proposal file in respect of the Complainant: At the request of the DSP, ACB, Guntur, the Govt. Servant produced the compensation proposal file in respect of the Complainant. On perusal of the same revealed that it is containing a total of 32 sheets. The 1st sheet is the Claim Form dated: 29.03.2019 of the Complainant having signatures of the Complainant and VRO, but no signature was found at the Competent authority cum Land acquisition officer. The 2nd to 7th sheets are the Proceedings of the Arbitrator & District Collector, Guntur vide Rc. No. 5443(11)/2012/G2, dated: 26.12.2018. The 8th sheet is the copy of Title Deed vide Patta No. 2225 belongs to the Complainant. The 9th sheet is the copy of Pattadar Pass Book vide Patta No. 2225 belongs to the Complainant. The 10th to 16th sheets are the copy of registered document No. 1899/2004 of SRO, Bapatla belongs to the Complainant. The 17th to 25th sheets are the copy of registered document No. 1683/1998 of SRO, Bapatla belongs to the Complainant. The 26th sheet is the copy of the SBI joint bank account vide A/c No. 31625501984 in the name of the Complainant and his father. The 27th sheet is the copy of the PAN card No. ACWPA0926H of the Complainant. The 28th sheet is the copy of the Aadhaar of the Complainant. The 29th sheet is the copy of Form-1B vide khata No. 2225 in the name of the Complainant. 30th sheet is details of awardees (land holders) in the village of Mandal covered under NH-216 containing the name of the Complainant in serial Nos. 1 to 3 in the relevant column of the name of awardee without the signature of the Govt. Servant. The 31st sheet is the Proforma, in serial Nos. 1 to 3 in the relevant column of the name of the awardee without the signature of the Govt. Servant. The 32nd sheet is the statement showing the project name NH-216 (Kathipudi to Ongole), in serial Nos. 1 to 3 in the relevant column of the name of the awardee without the signature of the Govt. Servant. The DSP got the Photostat copy of the above file through an outside Xerox

machine and seized the Photostat copy of the file duly attested by the DSP and the mediators for the purpose of further investigation.

On the request of DSP, Sri Gundavarapu Sri Charan, Dy. Tahsildar, Bapatla, produced the Attendance Register. The DSP perused the same and found as follows.

Attendance Register: It is being maintained for the staff of O/o Tahsildar, Bapatla from 01-01-2019 and written up to 03.05.2019. On perusal, it was revealed that in the register maintained for the staff of the Tahsildar office, the signature of Tahsildar was found on the bottom every day. As per the register, the Govt. Servant kept signatures on all working days. As per Register, the Govt. Servant attended for duty on 25.04.2019, 02.05.2019, and 03.05.2019 i.e., on the date of 1st demand, date of 2nd demand, and the date of Trap respectively.

Then DSP questioned, the Dy. Tahsildar, whether the Govt. Servant previously processed any compensation file pertaining to the NH-216 land acquisition. On that the Dy. Tahsildar produced the office copy of the report sent by the Govt. Servant to the Joint Collector-2, Guntur vide **Lr. in Rc. No. 880/2015/Dated:19.03.219 of Tahsildar, Bapatla**: The office copy of the report sent by the GOVT. SERVANT to JC-2, Guntur vide Rc. No.880/2015/Dated: 19.03.219 of Tahsildar, Bapatla containing 8 sheets pertaining to sanction of compensation awarded to the 6 farmers, who are losing their lands in NH-216 land acquisition in Bapatla. On perusal, the 1st sheet is the report sent to the Joint Collector-2, Guntur by the Govt. Servant containing signatures of the Dy. Tahsildar and the Govt. Servant. The 2nd sheet is the proforma containing the names of 6 awardees with details, containing the signatures of Dy. Tahsildar and the GOVT. SERVANT dated: 19.03.2019. The 3rd sheet is the details of the awardees (land holders) in West Bapatla Village of Bapatla Mandal covered under NH-216 with the names of 6 awardees and their details like bank account details, Aadhaar and other details containing the signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019. The 4th and 5th sheets relate to the Project Name-NH-216 (Kathipudi to Ongole) award No. 19/2017/NH-216 of Maruproluvari Palem Village and its details. The signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019 are found in the 5th sheet. The 6th sheet is the proforma containing the names of 1 awardee with details, containing the signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019. The 7th sheet relates to Project Name-NH-216 (Kathipudi to Ongole) award No. 21/2017/NH-216 of West Bapatla Village and its details. The signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019 are found in the sheet. The 8th sheet is the details of one awardee (land holder) in West Bapatla village of Bapatla Mandal covered under NH-216 with the name of one awardee and his details like bank account details, Aadhaar and other details containing the signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019.

The DSP got Photostat copies of the relevant pages of the Attendance Register and the above file vide Rc.No. No.880/2015/ Dated: 19.03.219 of Tahsildar, Bapatla through outside Xerox machine and handed over the original register and original office copy to the Dy. Tahsildar for further maintenance and seized the Photostat copies of the above-mentioned relevant pages of Attendance Register...2 sheets, Photostat copy of the report submitted by Govt. Servant to JC-2 vide Rc. No.880/2015/ Dated: 19.03.219 of Tahsildar, Bapatla..8 sheets duly attested by DSP, Dy.Tahsildar, Bapatla, and mediators for further investigation.

Thereafter, DSP secured the presence of (1) Sri Gopalam Rama Swamy S/o Sri Sambasiva Rao, aged 53 yrs, R/o D.No. 88, Vivekananda colony, Bapatla, Guntur district, (2) Sri Gundavarapu Sri CharanS/o Sri G.V. Rama Rao, aged 38 yrs, Deputy Tahsildar, (3) Sri Burla Sambaiah S/o Sri Koteswara Rao, aged 36 yrs, VRO, Bapatla East village, Bapatla Mandal, Guntur district, (4) Kum. Shaik Haseena Bee D/o Babu, aged 38 yrs, VRO, Bapatla town and (5) Smt. Shaik Hajara Begum w/o late Md. Ghouse, aged 27 yrs, VRO, Bethapudi village, Bapatla Mandal, Guntur district, examined them and recorded their detailed statements in the Mediators report No.2. Since prima facie case is made out against the Govt. Servant the DSP arrested him at 10.00 PM on 3.5.2019 after explaining the grounds of his arrest.

The DSP has examined the scene of offence and got rough sketch of the scene of offence prepared during the post-trap proceedings.

ORAL EVIDENCE:

The following oral evidence is available to substantiate the allegation:-

1. **Sri Alaparthi Koteswara Rao S/o Sri Venkateswarlu, aged 51 yrs, R/o D.NO. 8-4-369/S/605, Seetharamaiah Towers, New Sastry Nagar, Yerragadda, Hyderabad.**

He is the complainant in this case. On examination, he corroborated the contents given in his complaint to the Addl. SP, ACB, Guntur, pre and post trap proceedings dated: 03.5.2019, to the extent concerning to him.

During the course of investigation, the statement of the Complainant was got recorded by the Hon'ble VI Addl. Junior Civil Judge, Guntur on 18.5.2019 u/s 164 Cr.P.C. Perusal of the copy of Section 164 Cr.P.C. statement revealed that the complainant corroborated the version in pre and post trap proceedings dt. 03.05.2019.

2. **Sri Gopalam Rama Swamy S/o Sri Sambasiva Rao, aged 53 yrs, R/o D.No. 88, Vivekananda Colony, Bapatla, Guntur District.**

On examination, he corroborated the Complainant in all material aspects and his role in recording the conversation with Govt. Servant through his cell phone, his presence at the time of submitting the complaint to ACB officials, and his presence during Pre-Trap Proceedings and at the time of trap on Govt. Servant.

His statement was recorded by the Hon'ble VI Addl. Junior Civil Judge, Guntur on 18.5.2019 U/Sec. 164 Cr.P.C. and he deposed corroborating the facts with regard to his recording of the conversation between himself, the Complainant, and the Govt. Servant through his cell phone and his presence during pre and Post-Trap Proceedings dated: 3.5.2019, to the extent concerning to him.

3. **Sri Gundavarapu Sri Charan, S/o Sri G.V. Rama Rao, aged 38 yrs, Deputy Tahsildar, Bapatla.**

On examination, he stated that he has been working as Dy. Tahsildar, O/o Tahsildar, Bapatla, Guntur district since 10.10.2014. As part of the widening and formation of the Bypass road to the National High Way - 216, about 300 land holders of three villages viz Bapatla East, Bapatla West and Maruproluvari Palem of Bapatla Mandal have lost their lands in the Land Acquisition. The Collector/Arbitrator, Guntur has announced compensation to the land-holders. To get the compensation, the land holders have to submit their filled-up Claim Forms to the Tahsildar, Bapatla. Then, the Tahsildar will get cause an enquiry on the Claim Form of the land-holders, through the concerned VRO, whether the applicants i.e land-holders lost their lands or not. After conducting the enquiry, the VRO will hand over the Claim Form along with other documents relating to the ownership of the land holder to the Tahsildar. After that, as per the instructions of Tahsildar, he will prepare a report addressed to the Joint Collector-2, Guntur by incorporating all the relevant information for the release of compensation, put his signature on the report and forward the same to the Tahsildar for approval. The Tahsildar, on perusal of the enquiry report and the documents, approve the report prepared by him, put his signature on the report and submits the same to the Joint Collector-2, Guntur by keeping the office copy of the report. He added that he will prepare the report only after receiving the instructions from the Tahsildar. With regard to the land acquisition, some of the land holders came to their office, met the Govt. Servant and submitted their claim forms to forward them to the Joint Collector-2, Guntur for releasing the compensation amounts awarded to them. Previously, the Govt. Servant sent up a report for the release of compensation to 7 land-holders. The Complainant also lost his land in the land acquisition and thereby submitted his representation to the GOVT. SERVANT claiming the compensation.

The concerned VRO Sambaiah completed his enquiry and submitted the file to the Govt. Servant. The Govt. Servant did not give any instructions to him to prepare the report on the file of the Complainant so far and the Govt. Servant kept the file in his custody for the reasons best known to him. The Complainant and his friend Sri Gopalam Rama Swamy (LW-2) met the Govt. Servant for 2-3 times and enquired about the compensation file of the Complainant. On 03.05.2019, he came to the office at 10.00 AM as usual and attended to his office work. The Govt. Servant used to sit in his office seat now and then. On 03.05.2019 at about 13.00 hrs also, the Govt. Servant came and sat in his seat in the staff room. At about 13.30 hrs, the Complainant and his friend (LW-2) came to the Govt. Servant when the Govt. Servant sat in his seat, then the Govt. Servant took both of them into his chamber and came out after 15 minutes and the Govt. Servant again sat in his seat in the staff room. The Complainant and his friend went out of the office. By that time, he was sitting in the seat of Jr. Asst. just beside his seat where the Govt. Servant sat. Within no time, the ACB officials came and surrounded the Govt. Servant. Later, he came to know that the Govt. Servant was trapped red-handedly by the ACB officials when the Govt. Servant demanded and accepted the bribe of Rs. 1,00,000/- from the Complainant. At the request of DSP, ACB, he along with other staff witnessed the chemical test conducted on the Govt. Servant and the recovery of the bribe amount along with unaccounted cash of Rs. 30,000/- from the Govt. Servant.

On 22.12.2020, he was re-examined by the IO, and he stated that after the Govt. Servant was trapped by the ACB officials on 03.05.2019, Sri B.Ch.Siva Kumar, the then Divisional Administrative Officer, O/o RDO, Narasaraopet, held the charge of Tahsildar, Bapatla Mandal between 6-5-2019 and 31-5-2019. During the above period, as per the instructions of Sri B.Ch.Siva Kumar, In-charge Tahsildar, Bapatla, he processed the Claim Form of compensation pertaining to the Complainant and submitted it to the In-charge Tahsildar, Bapatla who in turn forwarded the filled-up Claim Form of the Complainant to the Joint Collector-2, Collectorate, Guntur through the letter in C.No.880/2015 D.T. dated 10-5-2019, and the same was received in the O/o Joint Collector-2 on 13-5-2019. The Joint Collector-2 has sanctioned compensation final amount of Rs. 59,58,140/- to the Complainant through his proceedings in Rc. No.5443/2012-G2 dated 21-5-2019.

4. **Sri Burla Sambaiah S/o Sri Koteswara Rao, Aged 36 Yrs, VRO, Bapatla East Village, Bapatla Mandal, Guntur District.**

On examination, he stated that he has been working as VRO, Bapatla East village, Bapatla Mandal, Guntur district since September 2015. The Govt. Servant is working as Tahsildar, Bapatla. He added that on the instructions of the Govt. Servant, he conducted enquiries previously about the claim forms of land holders, who lost their lands in the land acquisition of NH-216 and submitted his enquiry reports. With regard to this case, on the instructions of the Govt. Servant on 02.04.2019, he conducted the enquiry, secured the relevant documents from the Complainant, and submitted his enquiry report to the Govt. Servant on 04.04.2019, and the same was kept pending with the Govt. Servant without sending it to Joint Collector-2, Guntur for releasing the amounts, for the reasons best known to the Govt. Servant. Further, he corroborated Sri Gundavarapu Sri Charan, Dy. Tahsildar in all aspects with regard to the trap of Govt. Servant, his presence at the time of conducting chemical tests on Govt. Servant, and recovery of bribe from the Govt. Servant.

On re-examination, he further stated that he came to know that after the trap of the Govt. Servant, the compensation amount was released to the Complainant.

5. **Kum. Shaik Haseena Bee D/o Sri Babu, aged 38 yrs, VRO, Bapatla Town.**

On examination, she stated that she has been working as VRO, BapatlaTown since 04.06.2012. Due to a shortage of staff in the O/o the Tahsildar, Bapatla, on the instructions of the Govt. Servant, she used to look after the computer works in the Tahsildar office, Bapatla, and further corroborated with LW.3 Sri Gundavarapu

Sri Charan, Dy. Tahsildar in all aspects with regard to the Trap of Govt. Servant, her presence at the time of conducting chemical tests on Govt. Servant, and recovery of bribe from the Govt. Servant.

6. **Smt. Shaik Hajara Begum W/o Late Md. Ghouse, aged 27 yrs, VRO, Bethapudi Village, Bapatla Mandal, Guntur District.**

On examination, she stated that she has been working as VRO, Bethapudi, Bapatla Mandal. Due to lack of staff, on the instructions of the Govt. Servant, she used to look after the A-seat works in Tahsildar office, Bapatla, and further corroborated with Sri Gundavarapu Sri Charan, Dy. Tahsildar in all aspects with regard to the trap of Govt. Servant, her presence at the time of conducting chemical tests on Govt. Servant and recovery of bribe from the Govt. Servant.

Sec. 161 Cr. P.C statement of the above witness is on record.

7. **Sri Gaddam Yohan S/o Sri Kondaiah, aged 46 years, Assistant Executive Engineer, Office of R&B, MS (1) Section, R&B, M&H Sub-Division, Guntur R/oFlat No. G5, Himaja Enclave Apartment, 2/5TH Line, Vidya Nagar, Guntur.**

8. **Sri Kothari Koti Surya Narayana S/o Sri Durga Rao (late), aged 37years, Junior Assistant, Office of Executive Engineer, R&B Division, Guntur, Collectorate Compound, Guntur R/oD.No. 26-38-59, 15/1ST Lane, A.T. Agraharam, Guntur.**

The LWs.7 & 8 are the mediators of the Pre and Post-Trap Proceedings dated 03.05.2019. On examination, they corroborated the averments of Mediators Reports I & II in all material aspects including hearing of CD containing voice conversation between the Complainant, his friend Sri Gopalam Rama Swamy, and the Govt. Servant on 24.04.2019 and 02.05.2019.

9. **LW-9: Sri N.V.V. Satyanarayana S/o Sri Venkanna, aged 52 Years, Joint Collector-II & CALA, NH-216, Guntur.**

On examination, he stated that he has been working as Joint Collector-II & CALA, NH-216, Guntur since 12.2.2019. For the public purpose of building, widening, maintenance, management and operation of National Highway - 216 on the stretch of land from KM.127.900 to 195.355 in Guntur District, notification U/s 3A of the NH Act, 1956 was issued on 31.12.2015 by the Ministry of Road Transport and Highways, Government of India, New Delhi. In this connection, on 31.07.2017 his predecessor issued orders awarding Rs. 14,00,000/- per acre for wet land towards compensation to the awardees of Bapatla village. With regard to the land acquisition of NH - 216, there are over 300 land holders losing their land in 3 villagers of Bapatla Mandal i.e., Bapatla, Maruproluvaripalem and Murukondapadu. After passing the award, some of the landholders, who lost their lands in the land acquisition, have filed arbitration petitions before the Arbitrator/Collector, Guntur. The Complainant was one of the awardees who filed an arbitration petition. The Arbitrator/Collector has issued orders vide Rc. No. 5443(11)/2012-G2, dt. 26-12-2018 and enhanced the market value amount to Rs. 21,00,000/- per acre. As per the orders, the compensation amount along with other components are to be paid to the Govt. Servant, the Complainant did not submit the Claim Form in respect of the Govt. Servant till 3-5-2019. Subsequently, the report on the claim of the Complainant was received in this office on 13-5-2019 vide letter Rc. No.880/2015/D.T., Dt. 10-5-2019 of the Tahsildar, Bapatla. Finally an amount of Rs. 59,58,140/- was transferred to the account of the Govt. Servant vide RC.No. 5443/2012-G2, dated 21-05-2019 towards compensation".

10. **Sri Muppalla Satyanayarana S/o Sri M.S.R.A.Sarma, aged 43 years, Deputy Tahsildar, Collector Office, Guntur.**

On examination, he stated that he has been working as Deputy Tahsildar, Collector Office, Guntur since May 2018 on deputation. For the public purpose of building, widening, maintenance, management and operation of National Highway - 216 on the stretch of land from KM.127.900 to KM.195.355 in Guntur District,

Notification U/s 3A of the NH Act, 1956 was issued on 31.12.2015 by the Ministry of Road Transport and Highways, Government of India, New Delhi. In this connection, on 31.07.2017, the then Joint Collector - 2 & CALA, NH - 216, Guntur issued orders awarding Rs. 14,00,000/- per acre for wet land towards compensation to the awardees of Bapatla Village. With regard to land acquisition for NH - 2016, there are over 300 land holders losing their land in 3 villages of Bapatla Mandal i.e., Bapatla, Maruproluvaripalem and Murukondapadu. After passing the award, some of the landholders, who lost their lands in the land acquisition, have filed arbitration petitions before the Arbitrator/Collector, Guntur. The Complainant was one of the awardees who filed an arbitration petition. The Arbitrator/Collector has issued orders vide Rc. No.5443(11)/2012-G2, dt. 26.12.2018 and enhanced the market value amount to Rs.21,00,000/- per acre. As per the orders, the compensation amount along with other components is to be paid to the Complainant. The Govt. Servant did not submit the claim form in respect of the Complainant till 03.05.2019. Subsequently, the report on the claim of the Complainant was received in this office on 13.05.2019 vide letter Rc. No.880/2015 D.T., Dt.10.05.2019 of the Tahsildar, Bapatla. Finally, an amount of Rs.59,58,140/- was transferred to the account of the Govt. Servant vide Rc. No.5443/2012-G2, dated 21.05.2019 towards compensation as per the approval of the Joint Collector - 2 & CALA, NH - 2016, Guntur".

DOCUMENTARY EVIDENCE:-

Following is the documentary evidence available to substantiate the allegation.

1. **Complaint dated: 02.05.2019 given by the Complainant.**
   It reveals the facts of the demand for the bribe amount of Rs.1,00,000/- by the Govt. Servant for doing an official favour pending with him.

2. **F.I.R. in Cr.No.04/RCT-ACB-GNT/2019,dated: 03.05.2019 of ACB, Guntur.**
   It reveals that a report was received from the Complainant with regard to the demand for a bribe and registration of the case against the Govt. Servant.
3. **Mediators Report-I:**
   It reveals pre-trap happenings, dated 03.05.2019.
4. **Mediators Report-II:**
   It reveals post trap happenings, dated 03.05.2019.

5. **Made-up file No.1 containing- 32 sheets seized from the Govt. Servant during the Post-Trap Proceedings.**

A perusal of the same revealed that it is containing a total of 32 sheets. 1st sheet is the 'Claim Form as per Award' with enquiry dated: 29.03.2019 pertaining to the Complainant having signatures of the Complainant without date and the VRO with date 04.04.2019.No signatures were found at Tahsildar and Competent Authority/ Land Acquisition Officer, NH-216, Guntur District.

2nd to 7thsheets are the proceedings of the Arbitrator & District Collector, Guntur vide Rc. No. 5443(11)/2012/G2 dated: 26.12.2018, passing orders by enhancing the Market value of the land of the Complainant as Rs.21,00,000/- per acre.

8th sheet is the copy of Title Deed vide Patta No. 2225 belonging to the Complainant. 9th sheet is the copy of Pattadar Pass Book vide Patta No. 2225 belongs to Complainant. 10th to 16th sheets are the copy of registered document No. 1899/2004 of SRO, Bapatla belongs to Complainant. 17th to 25th sheets are the copy of registered document No. 1683/1998 of SRO, Bapatla belongs to Complainant. 26th sheet is the copy of SBI joint Bank Account vide A/c 31625501984 in the name of Complainant and his father. 27th sheet is the copy of PAN card No. ACWPA0926H of the Complainant. 28th sheet is the copy of the Aadhaar of the Complainant. 29th sheet is the copy of Form-1B vide Khata No. 2225 in the name of Complainant. 30th sheet is the unsigned List of details of awardees (land holders) in village and Mandal covered under NH-216 containing

the name of Complainant in serial Nos. 1 to 3 in the relevant column of the name of the awardee. 31st sheet is the unsigned Proforma wherein at serial Nos. 1 to 3 in the relevant column of the name of awardee the name of the Complainant was typed.32nd sheet is the unsigned statement showing the project name NH-216 (Kathipudi to Ongole), wherein at serial Nos. 1 to 3 in the relevant column of the name of awardee the name of the Complainant was typed.

A perusal of the file revealed that the file pertaining to the Complainant was made ready for recommending compensation to him, but not signed by the Govt. Servant

6. **Made-up file no.2 is the attested copy of the Attendance Register of the O/o. Tahsildar, Bapatla.**

It reveals that the Govt. Servant attended for duty on 25.04.2019, 02.05.2019, and 03.05.2019 i.e., on the date of 1st demand, date of 2nd demand, and the date of Trap respectively.

7. **Made-up file no.3 is the attested copy of the Letter in Rc.No. 880/2015dated:19.03.2019 of the Tahsildar, Bapatla.**

A perusal of the same revealed that the Govt. Servant has addressed the letter to the Joint Collector-II & Competent Authority, Land Acquisition, NH.216, Guntur recommending the release of compensation to the farmers who lost their lands during the Land acquisition vide Award Nos. 19/2017 and 20/201, enclosing the list and details of the farmers who lost their lands in the Land Acquisition for the development of NH.216 in Bapatla Mandal.

On further perusal **1st sheet** is the report sent to the Joint Collector-2, Guntur by the Govt. Servant containing signatures of Dy. Tahsildar and the Govt. Servant. **2nd sheet** is proforma containing the names of 6 awardees with details, containing the signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019. **3rd sheet** is the details of the awardees(land holders) in West Bapatla village of Bapatla Mandal covered under NH-216 with names of 6 awardees and their details like Bank account details, Aadhaar, and other details containing the signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019. **4th and 5th sheets** relate to the Project name-NH-216 (Kathipudi to Ongole) award No. 19/2017/NH-216 of Maruproluvaripalem village and its details. The signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019 are found in the **5th sheet. 6th sheet** is the proforma containing the names of 1 awardee with details, containing the signatures of Dy. Tahsildar and the Govt. Servant dated: 19.03.2019. The **7th sheet** relates to the Project name-NH-216 (Kathipudi to Ongole) award No. 21/2017/NH-216 of West Bapatla village and its details. The signatures of Dy. Tahsildar and Govt. Servant dated: 19.03.2019 are found in the sheet. **8th sheet** is the details of one awardee(land holder) in West Bapatla village of Bapatla Mandal covered under NH-216 with the name of one awardee and his details like bank account details, Aadhaar and other details containing the signatures of Dy. Tahsildar and Govt. Servant dated: 19.03.2019. **In the list, the name of the Complainant is not found.**

8. **Statement of the Complainant recorded U/s 164 Cr. P.C:**

A perusal of the same revealed that the Hon'ble VI Addl. Junior Civil Judge, Guntur has recorded the statement of the Complainant U/Sec. 164 Cr.P.C. on 18.5.2019 and the Complainant corroborated the version in his report to ACB, Guntur, Pre and Post-Trap Proceedings dated: 3.5.2019 in all material facts.

9. **Statement of the LW.2 Sri Gopalam Rama Swamy (Accompanying witness to LW.1) recorded U/s 164 Cr. P.C:**

A perusal of the same revealed that the Hon'ble VI Addl. Junior Civil Judge, Guntur has recorded the statement of the accompanying witness, who is the friend of the Complainant U/S. 164 Cr.P.C. on 18.5.2019 and he corroborated the version of the Complainant in all material aspects.

10. Certificate U/s 65B of the Indian Evidence Act issued by the Complainant.

This document certifies the recording of the conversation between the Complainant, his friend Sri Gopalam Rama Swamy, and the Govt. Servant in the cell phone of Sri Gopalam Rama Swamy on 24.04.2019 and 02.05.2019 and transferring the same conversation files on to the Compact Disc by the Complainant.

Hence, the charge against the Government Servant that he demanded and accepted a bribe of Rs. 1,00,000/- from the Complainant for showing official favour is held substantiated.

Charge-2:

"That the Government Servant failed to render full and true account for the cash of Rs.30,000/- found in his pant pocket at the time of Trap on 03.05.2019."

Facts and Evidence:

During the post trap proceedings on 03-05-2019, when the DSP when asked the Govt. Servant about the bribe amount, the Govt. Servant produced two wads of currency notes from his right side pant pocket. When compared, the serial numbers of one wad of the tainted currency notes found tallied with the serial numbers of the currency notes produced during pre-trap proceedings.

When the Govt. Servant was questioned about the remaining currency notes of Rs. 30,000/-, he kept mum without giving any explanation. When he was further questioned by the DSP about the registers if maintained for the cash, the Govt. Servant informed that they did not maintain any Govt. Cash register and Personal Cash register in their office, Bapatla.

1. **Sri Gaddam Yohan S/o Sri Kondaiah, aged 46 years, Assistant Executive Engineer, Office of R&B, MS (1) Section, R&B, M&H Sub-Division, Guntur R/oFlat No. G5, Himaja Enclave Apartment, 2/5TH Line, Vidya Nagar, Guntur.**

2. **Sri Kothari Koti Surya Narayana S/o Sri Durga Rao (late), aged 37years, Junior Assistant, Office of Executive Engineer, R&B Division, Guntur, Collectorate Compound, Guntur R/o D.No. 26-38-59, 15/1STLane, A.T. Agraharam, Guntur.**

The LWs.1 & 2 are the mediators of the Pre and Post-Trap Proceedings dated 03.05.2019. On examination, they corroborated the averments of Mediators Reports I & II in all material aspects including an amount of Rs. 30,000/- apart from trap amount seized from the Govt. Servant.

3. **Sri Gundavarapu Sri Charan, S/o Sri G.V. Rama Rao, aged 38 yrs, Deputy Tahsildar, Bapatla.**

On examination, apart from the other facts, he stated that at the request of DSP, ACB, he along with other staff witnessed the chemical test conducted on the Govt. Servant and the recovery of the bribe amount along with unaccounted cash of Rs. 30,000/- from the Govt. Servant.

Hence, the charge against the Government Servant that he failed to render full and true account for the cash of Rs.30,000/- found in his pant pocket at the time of Trap on 03.05.2019 is held substantiated.

Thus, in view of the above mentioned oral and documentary evidence, the Government Servant Sri Kolla Raghavaiah, formerly Tahsildar, Bapatla Mandal, Guntur while working as a public servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and brought down the prestige of the Government and thereby contravened Rule 3(1), 3(2) and 9(8-A) of AP Civil Service (Conduct) Rules, 1964 R/w. Rule 9 of A.P. Revised Pension Rules, 1980.

Thus, the Government Servant rendered himself liable for regular departmental enquiry for major penalty.

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE -III

LIST OF WITNESSES IN SUPPORT OF ARTICLE OF CHARGES AGAINST SRI KOLLA RAGHAVAIAH, FORMERLY TAHSILDAR, BAPATLA MANDAL, GUNTUR

S.No.	Name and address of the witness	Evidence to be adduced
	Sri Alaparthi Koteswara Rao S/o Sri Venkateswarlu, aged 51 yrs, R/o D.NO. 8-4-369/S/605, Seetharamaiah Towers, New Sastry Nagar, Yerragadda, Hyderabad.	He is the complainant in this case. He speaks about his complaint dated 03-05-2019, speak to the facts of pre and post trap proceedings to corroborate his 164 Cr. P.C. Statement etc., facts
2	Sri Gopalam Rama Swamy S/o Sri Sambasiva Rao, aged 53 yrs, R/o D.No. 88, Vivekananda Colony, Bapatla, Guntur District.	To speak to the facts and he corroborated the Complainant in all material aspects and his role in recording the conversation with AO through his cell phone, his presence at the time of submitting the complaint to ACB officials, and his presence during Pre-Trap Proceedings and at the time of trap on AO., to corroborate his 164 Cr.P.C. statement etc., facts.
3	Sri Gundavarapu Sri Charan, S/o Sri G.V. Rama Rao, aged 38 yrs, Deputy Tahsildar, Bapatla.	To speak to the facts of his presence at the time of trap, procedure sanction of compensation, official favour pending with the Govt. servant, seizure of tainted bribe amount of Rs. 1,00,000/- and unaccounted amount of Rs. 30,000/- from the Govt. Servant, completion of official favour to the complainant after trap etc., facts
4	Sri Burla Sambaiah S/o Sri Koteswara Rao, Aged 36 Yrs, VRO, Bapatla East Village, Bapatla Mandal, Guntur District	To speak to the facts of his presence at the time of trap, pending official favour with the Govt. Servant, conducting chemical tests on Govt. Servant, recovery of bribe amount from the Govt. Servant etc., facts
5	Kum. Shaik Haseena Bee D/o Sri Babu, aged 38 yrs, VRO, Bapatla Town.	To speak to the facts of his presence at the time of trap, conducting chemical tests on Govt. Servant, recovery of bribe amount from the Govt. Servant etc., facts
6	Smt. Shaik Hajara Begum W/o Late Md. Ghouse, aged 27 yrs, VRO, Bethapudi Village, Bapatla Mandal, Guntur District	To speak to the facts of his presence at the time of trap, conducting chemical tests on Govt. Servant, recovery of bribe amount from the Govt. Servant etc., facts
7	Sri Gaddam Yohan S/o Sri Kondaiah, aged 46 years, Assistant Executive Engineer, Office of R&B, MS (1) Section, R&B, M&H Sub-Division, Guntur R/o Flat No. G5, Himaja Enclave Apartment, 2/5TH Line, Vidya Nagar, Guntur.	To speak to the facts of having deputed to the ACB office by his controlling authority, his participation in pre and post trap proceedings along with Sri.K.Koti Suryanarayana and drafting of Mediator Reports - I & II dated 03-05-2019 etc., facts.

8	Sri Kothari Koti Surya Narayana S/o Sri Durga Rao (late), aged 37years, Junior Assistant, Office of Executive Engineer, R&B Division, Guntur, Collectorate Compound, Guntur R/oD.No. 26-38-59, 15/1ST Lane, A.T. Agraharam, Guntur	To speak to the facts of having deputed to the ACB office by his controlling authority, his participation in pre and post trap proceedings along with Sri.Gaddam Yohan and drafting of Mediator Reports - I & II dated 03-05-2019 etc., facts.
9	Sri N.V.V. Satyanarayana S/o Sri Venkanna, aged 52 Years, Joint Collector-II & CALA, NH-216, Guntur	To speak to the facts of orders of the District Collector regarding the compensation amount to the complainant and sanction of compensation amount to the complainant after the trap etc., facts.
10	Sri Muppalla Satyanayarana S/o Sri M.S.R.A.Sarma, aged 43 years, Deputy Tahsildar, Collector Office, Guntur.	To speak to the facts of orders of the District Collector regarding the compensation amount to the complainant and sanction of compensation amount to the complainant after the trap etc., facts.
11	Sri. A. Suresh Babu, Addl. Supdt. of Police, ACB, Guntur	To speak to the facts of receipt of complaint from the complainant on 03-05-2019 and endorsed the same to the DSP, ACB, Guntur etc., facts.
12	Sri D.Gangadharam, Deputy Supdt. of Police, ACB, Guntur.	To speak to the facts of registration of case, conducting pre and post trap proceedings, handed over the case for further investigation to the Inspector of Police, ACB, Guntur etc., facts.
13	SK.T.Firoz, formerly District Inspector, Anti-Corruption Bureau, Guntur, now working as Inspector,C.I.D,HO Guntur	To speak to the facts of his causing discreet enquiries about genuineness of the contents of report, assistant in trap and facts revealed during investigation
14	Sri Ch. Ravi Babu, Inspector of Police, ACB, Guntur District, Guntur	To speak to the facts revealed during the course of his further investigation, submission of final report, Draft Articles of Charges, filing of records before enquiry authority etc., facts.
15	Any other witness that may be produced during the course of enquiry	To speak in favour of prosecution

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE -IV

DOCUMENTARY EVIDENCE IN SUPPORT OF ARTICLE OF CHARGES AGAINST SRI KOLLA RAGHAVAIAH, FORMERLY TAHSILDAR, BAPATLA MANDAL, GUNTUR

S.No.	Description of the Document	Evidentiary value of the document
1	Complaint dated: 02.05.2019 given by the Complainant Sri Alaparthy Koteswara Rao	It reveals the facts of the demand of bribe amount of Rs. 1,00,000/- by the Govt. Servant for doing an official favour pending with him.
2	F.I.R. in Cr. No. 04/RCT-ACB-GNT/2019, DT. 03.05.2019.	It reveals that a report was received from the complainant with regard to demand of bribe and registration of the case against the Govt. Servant
3	Mediators Report-I in 04/RCT-ACB-GNT/2019, dt. 03-05-2019.	It reveals pre-trap happenings, dated 03-05-2019
4	Mediators Report-II in 04/RCT-ACB-GNT/201,, dt. 03-05-2019	It reveals post-trap happenings, dated 03-05-2019
5	Made-up file No.1 containing- 32 sheets seized from the Govt. servant during the Post-Trap Proceedings	This speaks to the fact of the receipt of the application of the complainant in the office of the Govt. Servant and pending with the Govt. Servant.
6	Made-up file No.2 is the attested copy of the Attendance Register of the O/o. Tahsildar, Bapatla.	To speak to the presence of the Govt. Servant attended for duty on 25.04.2019, 02.05.2019, and 03.05.2019 i.e., on the date of 1st demand, date of 2nd demand, and the date of Trap respectively
7	Made-up file no.3 is the attested copy of the Letter in Rc.No. 880/2015dated:19.03.2019 of the Tahsildar, Bapatla.	This speaks that the official favour pending with the Govt. Servant etc., facts.
8	Statement of the Complainant U/S 164 Cr.P.C.	To speak to the facts of the complaint, pre and post trap proceedings.
9	Statement of the LW.2 Sri Gopalam Rama Swamy (Accompanying witness to LW.1) recorded U/s 164 Cr. P.C	To speak to the facts of the his participation in pre and post trap proceedings, recording of conversation etc., facts.
10	Voice conversation between the the Govt. Servant and the complainant	To speak to the facts of the demand of bribe of Rs. 1,00,000/- from the complainant by the Govt. Servant
11	Certificate U/s 65B of the Indian Evidence Act issued by the Complainant.	This certifies the recording of the conversation between the Complainant, his friend Sri Gopalam Rama Swamy, and the Govt. Servant in the cell phone of Sri Gopalam Rama Swamy on 24.04.2019 and 02.05.2019 and transferring the same conversation files on to the Compact Disc by the Complainant.
12	Any other document that will be produced at the time of enquiry	To speak in favour of prosecution

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER